DETAILED ACTION

This action is in response to the communication filed on March 7, 2008.

- Claims 1, 5, 7, 9-10, and 19-20 have been amended.
- Claims 2-3, 6, 8, and 17-18 has been cancelled.

Claims 1, 4-5, 7, 9-16, and 19-20 are pending and have been examined.

Previous claim objections have been withdrawn in view of amendments.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1, 4-5, 7, 9, 11-16, and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dees (US 2003/0137539 A1) in view of Burkett et al. (6,476,828 B1) and Kelts (2002/0112237 A1).

As per independent claim 1, Dees teaches **a method for dynamically generating a user interface menu, the method comprising: storing a menu definition file containing data describing at least one menu item to be displayed as the menu** (e.g. in paragraph 35 on page 2-3 and paragraph 37 on page 3, *user interface definition document* and paragraph 47 on page 3, *displays a list with the options from which the user can choose*; therefore, user interface definition file includes a menu definition file)**; storing a view definition file**

separate from the menu definition file, the view definition file comprising data describing how the menu should appear when displayed (e.g. in paragraph 35 on page 2-3, *style sheet document*) **and menu layout data comprising an items component specifying an area inside of which content is to be displayed and including at least one of the following: an items layout, a focus layout, and pagination data** (e.g. in paragraph 38, *layout* and paragraphs 53-54)**; and utilizing the contents of the menu definition file and the view definition file to dynamically generate the menu** (e.g. in paragraph 51 on pages 3-4 and paragraphs 56-57 on page 4)**,** but does not specifically teach **wherein the menu definition file and the view definition file are updateable without requiring any modification to an underlying program code for displaying the menu** and **identifying a graphic and a text label associated with the at least one menu item to be displayed in a preview component of the menu when the at least one menu item is selected, wherein the preview component defines a statically positioned screen area separate from the items component and provides data regarding a currently selected menu item**. However, Dees teaches updating the user interface (e.g. in paragraphs 49-51 and 56-57), wherein the files which define the user interface, a user interface definition document and a style sheet, are XML documents (e.g. in paragraph 37 and 53; note that XUL and UIML are forms of XML). To generate the user interface, the XML documents are fed to a user interface module, and the generated user interface is then passed to a rendering module for display (e.g. in paragraphs 49-51). It is evident that the files used to

define the user interface of Dees are separate from the code that generates and displays the user interface. Updates to the files would not typically require modification to the rendering module unless specifically programmed to do so. However, modifying the underlying program code would require recompiling of code, slowing down the update process, as shown by Burkett (e.g. in column 1 lines 21-30). Burkett discloses the use of separate XML files to define his menus and updating those files without requiring modification to an underlying program code for displaying them (e.g. in column 1 lines 21-49 and column 9 lines 9-33). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to have the files of Dees updateable without modification to underlying program code, disclosed by Burkett, for the purpose of more quickly updating the user interface menu for display. Kelts teaches identifying a graphic and a text label associated with the at least one menu item to be displayed in a preview component of the menu when the at least one menu item is selected, wherein the preview component defines a statically positioned screen area separate from the items component and provides data regarding a currently selected menu item (e.g. in figures 1-4, *map item information area and content description element* and in paragraphs 61 and 94; see also *Response to Arguments*). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Dees with the preview component (e.g. map item information area) of Kelts to provide the user with additional information pertaining to a selected menu element.

As per claim 4, the rejection of claim 1 is incorporated, but Dees does not specifically teach **a category component for displaying information corresponding to a group of menu items**. However, Kelts teaches the above limitation (item 118 in figure 1 and in paragraph 68 on page 5). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teaching of Dees with the category component of Kelts to provide the user with an understanding of the relationship among groups of menu elements so that the user can better navigate the menu.

As per claim 5, the rejection of claim 1 is incorporated and Dees further teaches the style sheet used to store information regarding look and feel of the user interface as described in paragraphs 3 and 38, while the user interface definition document includes content information of the user interface such as the buttons (which is a form of graphic) or the text as described in paragraphs 2 and 39 for which the style sheet can specify the properties, but Dees does not specifically teach **a graphic to be displayed for each of said one or more menu items in the items component when a menu item is unselected**. However, Kelts teaches the above limitation (e.g. in figures 1-3 and in paragraph 48 on page 3). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teaching of Dees with the menu item graphic of Kelts to provide a representation on the menu screen that the user can immediately recognize as a selectable option and can quickly associate that representation with what the representation represents.

As per claim 7, the rejection of claim 1 is incorporated and Dees further teaches the style sheet used to store information regarding look and feel of the user interface as described in paragraphs 3 and 38, while the user interface definition document includes content information of the user interface such as the buttons or the text as described in paragraphs 2 and 39 for which the style sheet can specify the properties, but Dees does not specifically teach **a text label to be displayed for each menu item in the items component**. However, Kelts teaches the above limitation (e.g. in figures 1-3 and in paragraph 90 on page 8). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teaching of Dees with the text label of Kelts to allow the user to quickly understand what each menu element represents.

As per claim 9, the rejection of claim 1 is incorporated and Dees further teaches **wherein for each of the at least one menu item the menu definition file stores data identifying an action to be performed upon receiving a request to execute a selected menu item is received** (e.g. in paragraph 36 and 47 on page 3).

As per claim 11, the rejection of claim 1 is incorporated and Dees further teaches **wherein the view definition file stores data defining a style to be utilized when displaying the menu defined within the menu definition file** (e.g. in paragraph 38 on page 3, *style information for abstract elements, including user interface elements*).

As per claim 12, the rejection of claim 11 is incorporated and Dees further teaches **wherein the style comprises data identifying a background image to be utilized within the items component** (e.g. in paragraph 38 on page 3).

As per claim 13, the rejection of claim 11 is incorporated and Dees further teaches **wherein the style further comprises data defining an on screen position for each of the menu items within the items component** (e.g. in paragraph 38 on page 3, *X- and Y-coordinates on the screen* and *layout*).

As per claim 14, the rejection of claim 1 is incorporated and Dees further teaches **receiving an updated menu definition file and an updated view definition file and replacing the menu definition file with the updated menu definition file and replacing the view definition file with the updated view definition file** (e.g. in paragraph 51 on pages 3-4 and paragraphs 56-57 on page 4).

As per claim 15, the rejection of claim 14 is incorporated and Dees further teaches **wherein the updated menu definition file and the updated view definition file are received via a wireless connection** (e.g. in paragraph 34 on page 2 and paragraph 51 on pages 3-4 in view of figure 1).

As per claim 16, the rejection of claim 14 is incorporated and Dees further teaches **wherein the updated menu definition file and the updated view definition file are received via a memory device** (e.g. in paragraph 52 on page 4).

Claim 19 is the system claim corresponding to the method claim 1, and is rejected under the same reasons set forth in connection with the rejection of

claim 1. Dees further teaches **a memory storage** and **a processing unit coupled to the memory storage** (e.g. in paragraph 33-35 on pages 2-3 and paragraph 52 on page 4).

Claim 20 is the computer readable storage medium claim corresponding to the method claim 1, and is rejected under the same reasons set forth in connection with the rejection of claim 1. Dees further teaches **a computer-readable storage medium having executable instructions stored thereon** (e.g. in paragraph 35 on pages 2-3 and paragraph 52 on page 4).

3. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dees (US 2003/0137539 A1) in view of Burkett et al. (6,476,828 B1) and Kelts (2002/0112237 A1), and further in view of Kim (US 2004/0048607 A1).

As per claim 10, the rejection of claim 1 is incorporated, but Dees does not specifically teach **wherein the at least one menu item comprises a folder**. However, it was well known in the art for menu items to include folders, as shown by Kim (e.g. in figure 1 item 4). It would have been obvious for one of ordinary skill in the art at the time of invention to modify the menu items of Dees to include the folders shown by Kim for the purpose of organizing and providing access to elements that the user is to interact.

Response to Arguments

4. Applicant's arguments filed March 7, 2008 have been fully considered but they are not persuasive.

Applicant argues in substance that the combination of Dees, Burkett, and Kelts does not teach the newly added limitation. However, examiner respectfully disagrees. Kelts teaches a statically positioned area providing preview information such as graphics and text to describe a currently selected item in a menu (e.g. in figures 1-4, *map item information area and content description element* and in paragraph 61, "the selection of an active map item or "button" on map 108, information element 106 displays information related to the programming associated with the respective station... the illustrated information element 106 contains the station (or network) name, a station identifier such as an alphanumeric character string, an icon or logo associated with the station or program, and the name of the program currently being broadcast (identified in the leftmost field 109", and paragraph 94). It is clear that selection of a menu item, such as KNBC in the example shown in Kelts, causes the information area to be updated to reflect corresponding logo and text information for the menu item.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is

filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to WILLIAM WONG whose telephone number is 571-270-1399. The examiner can normally be reached on M-F 8:30-5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on 571-272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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